

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSE CRISTIAN HERRERA-CHAVEZ

CRIMINAL COMPLAINT

Case Number:

MJ 10-357 JSG

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 2, 2010, in Ramsey County, in the State and District of Minnesota, defendant did knowing and intentionally possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine

in violation of Title 21, United States Code, Section(s) 841(a)(1) and (b)(1)(B).

I further state that I am a(n) TFO and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

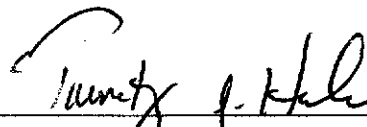
Sworn to before me, and subscribed in my presence,

9/9/10

Date

The Honorable Jeanne J. Graham
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer


Signature of Complainant
Timothy J. Hale
DEA

at St. Paul, MN

City and State


Signature of Judicial Officer

SCANNED

SEP 10 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

ss. AFFIDAVIT OF TFO TIMOTHY J. HALE

I, Task Force Officer Timothy J. Hale, having been first duly sworn and under oath, state that the following is true and correct to the best of my knowledge:

1. I have been a Task Force Officer with the DEA since January 2010. I have been employed as a police officer with the St. Paul Police Department ("SPPD") for over ten (10) years. For the past seven (7) years, my primary duties and responsibilities have included conducting criminal investigations of individuals for suspected violations of the Controlled Substances Act. As such, I have conducted and participated in hundreds of investigations into the unlawful possession, possession with intent to distribute, and distribution of controlled substances, and associated conspiracies.

2. The facts and information contained in this affidavit are based upon observations of other officers and agents involved in the investigation. All observations referenced below were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause for this complaint. It is not intended to include each and every fact and matter to the government.

3. On September 1, 2010, law enforcement received information from a Confidential Informant (CI) that an individual by the name of "CHRIS" was selling large amounts of methamphetamine. "CHRIS" was later identified as JOSE CRISTIAN

HERRERA-CHAVEZ, DOB: 06-16-86. The CI described HERRERA-CHAVEZ as a Hispanic male, approximately 5'6", 180 lbs, black hair and approximately 25 years old. The CI said HERRERA-CHAVEZ'S cell phone number was 651-366-8145. The CI said HERRERA-CHAVEZ drives a white Cadillac with a blue top, and stays in a home near E. 6th Street and Arcade Street in St. Paul.

4. The CI used in this investigation has proven reliable during a previous investigation involving the sale and distribution of illegal narcotics. Various investigative techniques have permitted your affiant to corroborate information received from the CI during a prior investigation.

5. On September 1, 2010, at approximately 1343 hours, the CI called HERRERA-CHAVEZ at 651-366-8145 and arranged to purchase one pound of methamphetamine for twenty three thousand dollars (\$23,000.00). The sale was to take place on September 2, 2010 at 1330 hours, at an address in the area of Duluth Street and Bush Avenue in St. Paul. The phone conversations between the CI and HERRERA-CHAVEZ were recorded.

6. On September 2, 2010, at approximately 1300 hours, surveillance was established on HERRERA-CHAVEZ who was at a house on East 6th Street in St. Paul. After a short period of time, officers observed a white Cadillac with a blue top with MN license plate number XMV-748, leave the driveway and head westbound on East 6th Street.

7. Surveillance was also established at the designated address, in the area of Duluth Street and Bush Avenue, where the sale was to take place. The CI made a call to HERRERA-CHAVEZ at 651-336-8145 at approximately 1313 hours telling HERRERA-CHAVEZ he was ready to complete the sale. The CI called HERRERA-CHAVEZ back and asked him how long he would take. HERRERA-CHAVEZ said he was walking out the door.

8. A short time later, a white Cadillac with the blue top, MN license number XMV-748, arrived at the designated address in the area of Duluth Street and Bush Avenue. HERRERA-CHAVEZ, the lone occupant, got out of the vehicle, walked around to the front passenger side and opened the front passenger door. HERRERA-CHAVEZ picked up a clothes basket that was sitting on the front passenger seat. The CI again called HERRERA-CHAVEZ at 651-336-8145 and asked him where he was. Agents conducting surveillance could see HERRERA-CHAVEZ put down the clothing basket and answer his cell phone. HERRERA-CHAVEZ told the CI he was outside of the designated address. The CI told HERRERA-CHAVEZ he/she wanted to do the deal at a different location. HERRERA-CHAVEZ told him/her OK and the call ended. The phone call was recorded.

9. HERRERA-CHAVEZ walked back around to the drivers side of the vehicle, got in, and drove off eastbound on Bush Ave. The vehicle continued to Johnson Parkway where it then turned North on Johnson Parkway. Surveillance was maintained on the vehicle.

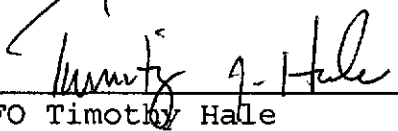
10. A marked St. Paul Police squad was in the area of East 7th Street and Johnson Parkway. Earlier in the day, the officers in the marked squad had been briefed that a white Cadillac with a blue top may be transporting a large amount of methamphetamine. The officers observed a white Cadillac with a blue top, MN license number XMV-748, traveling at a high rate of speed on Johnson Parkway. Officers estimated the vehicle was traveling at over 40 miles per hour. The posted speed limit on Johnson Parkway is 30 miles per hour. The officers had to drive over 50 miles per hour to catch up to the vehicle. The vehicle continued North on Johnson Parkway where officers were able to get behind the vehicle and conduct a traffic stop. The vehicle pulled over near the intersection on Johnson Parkway and Ames Avenue. The driver was identified as JOSE CRISTIAN HERRERA-CHAVEZ, DOB: 06-16-86, by a MEXICO consular Identification card. HERRERA-CHAVEZ did not have a valid drivers license or proof of insurance. HERRERA-CHAVEZ was asked to step out of the vehicle.

11. Due to the information provided to the officers that the vehicle may contain methamphetamine, the vehicle was searched. A large amount of suspected methamphetamine was located in a laundry basket that was sitting on the front passenger seat. The suspected methamphetamine was recovered and field tested positive for methamphetamine.

For these reasons, I believe that probable cause exists to

believe that the above-named individual violated 21 U.S.C. §
841(a)(1) and (b)(1)(B).

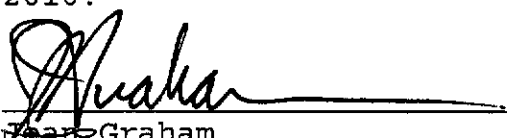
Further your Affiant sayeth not



TFO Timothy Hale
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me

on this 8th day of September, 2010.



Jeanne Graham
United States Magistrate Judge